

**JAMES E. HOWARD LLC**  
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January 23, 2006

VIA FEDERAL EXPRESS

Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

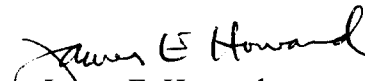
Re: Finance Docket No. 34825  
Gordon Reger--Continuance in Control Exemption--  
New Amsterdam & Seneca Railroad Company, LLC

Dear Secretary Williams:

Enclosed for filing in the above-captioned matter are the original and 10 copies of a Verified Notice of Exempt Transaction. Also enclosed are a check in the amount of \$1,100 representing the filing fee and a computer disk containing the Verified Notice.

Could you please date stamp the enclosed extra copy of the Verified Notice and return it to me in the enclosed self-addressed, stamped envelope? If there are any questions with respect to this matter, please direct them to me. Thank you very much for your assistance.

Very truly yours,

  
James E. Howard

Enclosures

215640



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Finance Docket No. 34825

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GORDON REGER--CONTINUANCE IN CONTROL  
EXEMPTION--NEW AMSTERDAM & SENECA  
RAILROAD COMPANY, LLC

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BOARD

Office of the Secretary  
U.S. Department of Transportation  
Washington, D.C. 20590

VERIFIED NOTICE OF EXEMPT TRANSACTION

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FILED  
JAN 24 2006

THOMPSON SQUARE  
BOARD

James E. Howard  
One Thompson Square  
Suite 201  
Charlestown, MA 02129  
Tel. No. 617-886-9322

Attorney for Applicants

Dated: January 23, 2006

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Finance Docket No. 34825

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GORDON REGER--CONTINUANCE IN CONTROL  
EXEMPTION--NEW AMSTERDAM & SENECA  
RAILROAD COMPANY, LLC

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VERIFIED NOTICE OF EXEMPT TRANSACTION

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In accordance with 49 C.F.R. 1180.2(d)(2), Gordon Reger ("Reger") hereby submits this Verified Notice of Exempt Transaction in order to control indirectly New Amsterdam & Seneca Railroad Company, LLC ("NASR"). The following information corresponds to those portions of 49 C.F.R. 1180.6 required by 49 C.F.R. 1180.4(g):

49 C.F.R. 1180.6(a)(1)(i). Reger is a noncarrier individual who directly controls Mid Atlantic New England Rail, LLC ("Mid Atlantic"), a noncarrier. Mid Atlantic, through ownership of GJ Railco Acquisition, LLC, a noncarrier, controls New York Cross Harbor Railroad Terminal Corp. ("NYCH"), a class III rail carrier. As a consequence, Reger indirectly controls NYCH.

Reger owns New York and New Jersey Rail, LLC ("NYNJ"), a newly formed limited liability company that proposes to effect a corporate family transaction under 49 C.F.R. 1180.2(d)(3) whereby NYNJ will assume all of NYCH's rights and obligations to provide service as a common carrier and will provide the railroad service historically provided by NYCH. NYNJ and NYCH have filed with the Board, on December 22, 2005

in Finance Docket No. 34813, a verified notice of exemption for authority to engage in such an exempt corporate family transaction. When this transaction is consummated, Reger will control NYNJ, which will be a class III rail carrier.

Reger and members of his immediate family control Regus Industries, LLC ("Regus"), a noncarrier, which directly controls NASR, a noncarrier that has filed a verified notice of exempt transaction pursuant to 49 C.F.R. 1150.31 in order to become a class III rail carrier. See Finance Docket No. 34811. The verified notice of exempt transaction in Finance Docket No. 34811 became effective on December 29, 2005, but the transaction described therein has not yet been implemented. When such transaction is implemented, Reger will indirectly control a second class III rail carrier.

The rail line and facilities operated by NYCH/NYNJ are located in New York City and New Jersey. The rail line of NASR is located in Fostoria, Ohio. The lines of NYCH/NYNJ and NASR do not connect with each other. Furthermore, it is not anticipated that there will be a series of transactions that would connect the two rail carriers with each other. The proposed transaction does not involve any class I carriers.

The names and business addresses of Reger and the rail carrier applicants are as follows:

Gordon Reger  
2730 Transit Road  
West Seneca, NY 14224

NASR  
12500 County Road 18  
Fostoria, OH 44830

NYCH/NYNJ  
5266 Seneca Street  
West Seneca, NY 14224

The name, address and telephone number of the applicants' representative are as follows:

James E. Howard  
One Thompson Square  
Suite 201  
Charlestown, MA 02129  
617-886-9322

49 C.F.R. 1180.6(a)(1)(ii). Acquisition and operation of a rail line by NASR and, as a result thereof, control of a second rail carrier by Reger are anticipated to occur after this Verified Notice of Exempt Transaction becomes effective.

49 C.F.R. 1180.6(a)(1)(iii). Businesses controlled by Reger are engaged in rail transportation of various commodities, including waste material, and in the transloading and disposal of solid waste material, including construction and demolition waste material. For example, Regus operates several sites at which waste material is transferred from trucks to rail cars for transportation by rail to disposal sites. A company controlled by Regus provides transfer services on the New York & Atlantic Railroad, a class III rail carrier operating in New York City and Long Island. Another company controlled by Regus owns and operates a rail served landfill in Fostoria, Ohio that will be served by NASR. Regus controls a fleet of approximately 575 rail cars. As noted above, Reger also indirectly controls NYCH/NYNJ, a class III rail carrier that handles and transports a variety of commodities, including waste material.

Acquisition of NASR is consistent with the lines of business already conducted by companies controlled by Reger. The NASR transaction will result in economies and service improvements in the conduct of the businesses of the Reger companies and will

promote the financial viability of all of the entities controlled by Reger, including NASR and NYCH/NYNJ.

49 C.F.R. 1180.6(a)(5). NYCH/NYNJ operates and has property in New York and New Jersey. NASR will lease and operate a line in Ohio.

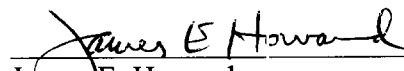
49 C.F.R. 1180.6(a)(6). Maps illustrating the rail lines of NYCH/NYNJ and NASR are attached as Exhibit A.

49 CFR 1180.6(a)(7). NASR is a wholly owned subsidiary of Regus, and NASR has not previously conducted any business. When NASR leases and begins to provide service on the rail line described in the notice in Finance Docket No. 34811 it will become an operating rail carrier. There is no other agreement by which Reger has acquired indirect control of NASR.

Labor Protection. Because NYCH/NYNJ and NASR are class III carriers, no labor protection may be imposed.

Environmental and Historic Impact. In accordance with 49 C.F.R. 1105.6(c)(2), the proposed transaction does not require any environmental documentation, because there will be no significant changes that exceed the thresholds established in 49 C.F.R. 1105.7(e)(4) or (5). No historic report is required, because the proposed transaction meets the criteria of 49 C.F.R. 1105.8(b)(1).

Respectfully submitted,

  
James E. Howard  
One Thompson Square  
Suite 201  
Charlestown, MA 02129

Dated: January 23, 2006

## VERIFICATION

State of New York :  
County of Erie :  
SS

Gordon Reger, being duly sworn, deposes and states that he has read the foregoing Verified Notice of Exempt Transaction, knows the facts asserted there are true and the same are true as stated.

  
Gordon Reger

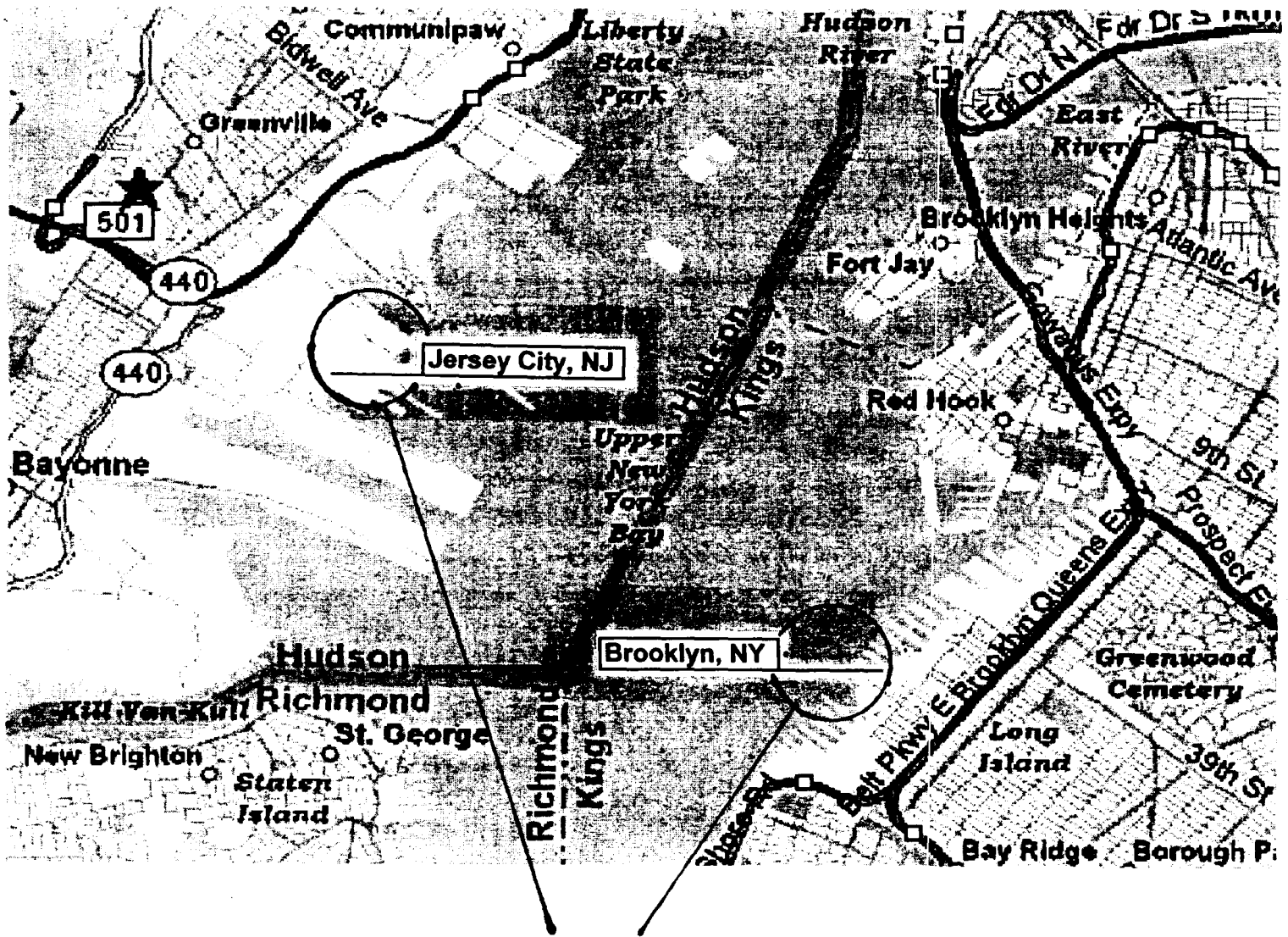
Subscribed and sworn to before me  
this 19<sup>th</sup> day of January, 2006

  
Notary Public

My Commission Expires: 9/11/2007

**DOUGLAS E. SZALASNY**  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 02/11/2007

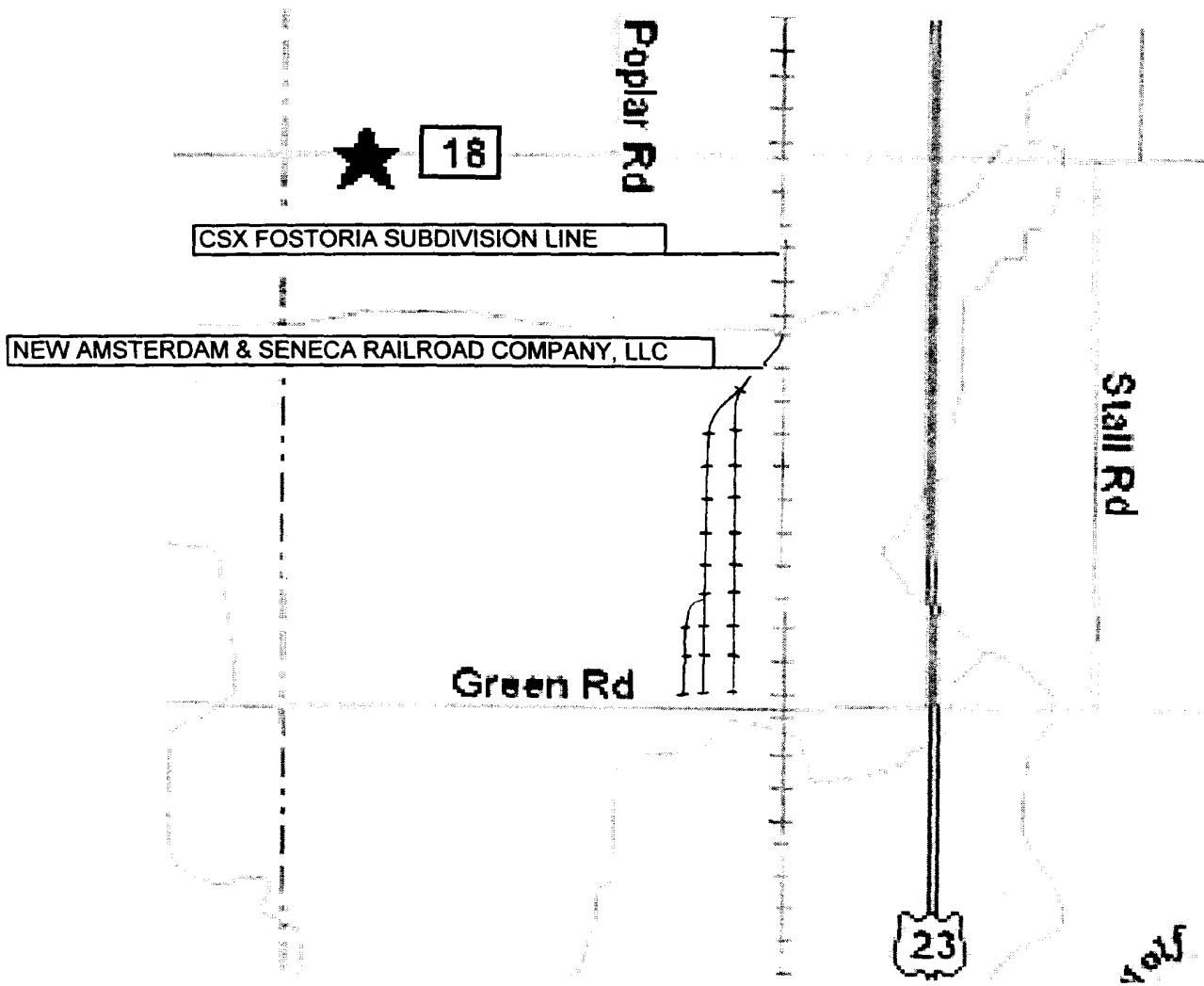
EXHIBIT A



NEW YORK CROSS HARBOR RAILROAD, INC.



# EXHIBIT A



FOSTORIA, OH